

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

THOMAS A. COLTHURST (CABN 99493)
Chief, Criminal Division

FRANK J. RIEBLI (CABN 221152)
ERIC CHENG (CABN 274118)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7234
Frank.Riebli@usdoj.gov
Eric.Cheng@usdoj

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. 21-CR-274 CRB
)	
Plaintiff,)	STIPULATION TO CONTINUE HEARING AND
)	EXCLUDE TIME UNDER THE SPEEDY TRIAL
v.)	ACT AND [PROPOSED] ORDER
)	
IAN BENJAMIN ROGERS,)	
)	
Defendant.)	

It is hereby stipulated, by and between counsel for the United States and counsel for the defendant Ian ROGERS, that the change of plea hearing currently set for May 13, 2022 be continued to May 27, 2022, and time be excluded under the Speedy Trial Act from April 27 through May 27, 2022.

On March 17, the government and counsel for the defendant stipulated that the status conference set for March 30 should be continued to April 27, 2022 and time should be excluded under the Speedy Trial Act, noting that the government had produced discovery, that defense counsel was unavailable on March 30, and that additional time was needed to discuss potential resolution. Dkt. No. 51. The stipulation was granted that day. *See* Dkt. No. 52. On March 31, the hearing was continued by clerk's notice to April 29, 2022, and then on April 27 the hearing was further continued by clerk's notice to

May 13, 2022. Dkt. Nos. 53, 55. Since the parties' last stipulation, the government has identified and produced remaining discovery materials, and the parties have continued discussions of a potential resolution in coordination with state authorities. In addition, counsel has learned that the defendant's housing unit is currently in quarantine due to COVID-19, and defendant may no longer be available to appear for the hearing currently set for May 13, 2022.

For all of these reasons, the parties stipulate and agree that the change of plea hearing should be continued from May 13 to May 27, 2022, and that excluding time from April 27 until May 27, 2022 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from April 27 through May 27, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: May 11, 2022

/s/
FRANK RIEBLI
ERIC CHENG
Assistant United States Attorneys

DATED: May 11, 2022

/s/
COLIN COOPER
Counsel for Defendant Ian Rogers

~~[PROPOSED]~~ ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court and for good cause shown, the Court ORDERS that the May 13, 2022 change of plea hearing in this matter be continued to May 27, 2022.

The Court further finds that failing to exclude the time from April 27 through May 27, 2022 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from April 27 to May 27, 2022

1 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant
2 in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the
3 time from April 27 through May 27, 2022 shall be excluded from computation under the Speedy Trial
4 Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

5 IT IS SO ORDERED.

6
7 DATED: May 12, 2022


HON. CHARLES R. BREYER
Senior United States District Judge